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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,385	08/28/2001	Andreas Peiker	31530-173944	4052

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EXAMINER

LE, KAREN L

ART UNIT PAPER NUMBER

2614

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/914,385

Applicant(s)

PEIKER, ANDREAS

Examiner

Karen L. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-15, 17 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Watjer et al. (U. S. 6,215,870).

Regarding claim 13, Watjer teaches an apparatus for securing a telephone (Fig. 10 and Fig. 12 ) having a housing and a contact mechanism, the housing being elongate with a width, thickness, and length (Col. 4, lines 3-6), the apparatus comprising:

a holder for the telephone and a mating contact unit (Fig 10, the back of the telephone where it contacts with the carriage 108, Fig. 12, the back of telephone where it contacts with carriage 118 ) for engaging the contact mechanism of the telephone said mating contact unit being pivotable through a pivot angle ( Col. 5, lines 22-25, Fig. 12, carriage 18 pivots about forward follower 166) and longitudinally displaceable in the holder such that the holder accommodates and secures at least part of the housing of the telephone in an operating position (Col. 4, lines 66-67, Fig.10, carriage 108 is slidably mounted within housing 102)

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Regarding claim 14, Watjer further teaches mating contact unit includes a longitudinal slide mounted within the holder (Fig. 12, slot 146 and 148).

Regarding claim 15, Watjer further teaches said holder is adapted to accommodate at least one of different telephone housing widths and different telephone housing thicknesses (Col. 4, line 3-6).

Regarding claim 17, Watjer further teaches said mating contact unit is adapted to be moved from the first position into the operating position by a pivoting movement, at least one of subsequent pivoting movement and a subsequent sliding movement, a rearward sliding movement (Col.5, lines 10-25).

Regarding claim 19, Watjer further teaches a spring mechanism arranged at least partially in said holder for urging the mating contact unit in the first position by counteracting at least one of a rotary and a sliding movement of the mating contact unit (Fig. 13, spring 190 and Fig 12, spring 124)

Regarding claim 20, Watjer further teaches a brake for at least partially damping movement of said mating contact Unit (Fig. 12, items 124 and 164).

Regarding claim 21, Watjer further teaches a restraining element for

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engaging an end of the housing opposite the contact mechanism when the mating contact unit is in the operating position (fig. 13, items 126, 166 and 146).

Regarding claim 22, Watjer further teaches at least one level compensating element arranged on the holder for engagement with a rear side of the telephone when telephone is engaged with said mating contact unit in the operating position (fig. 12, items 174, and 166).

Regarding claim 23, Watjer further teaches an ejector mechanism arranged on said holder, said ejector mechanism being maintained in a prestressed position by the telephone when the telephone is engaged with said mating contact unit in the operating position (Col. 6, lines 65-68 and Col. 7, lines 1-2).

Regarding claim 24, Watjer further teaches said mating contact unit has a flattened portion and means for establishing a connection with the telephone floatingly mounted on the mating contact unit relative a plane parallel to the flattened portion (Fig. 12, the contact area between carriage 118 and telephone 120)

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watjer et al. (U. S. 6,215,870)

Regarding claim 16, Watjer does not teaches said mating contact unit is pivotable into a first position approximately 45 to 135 relative to a plane parallel to the holder, the first position being an accommodating/discharge position. However, Waiter teaches said mating contract unit is pivotable about forward followers 166, Thus raising the forward end of carriage 118 in order to position receiver 120 through access opening 143 (Fig. 12 and Col.5, lines 22-25). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the carriage 118 to pivot according to the need of user and adjust the position to a certain level relative to a plane parallel to the holder.

Regarding claim 18, Watjer does not teaches said mating contact unit comprises a body and means for establishing a connection with the telephone arranged on the body perpendicular to an axis of rotation of the body. However, Watjer teaches the contact area between the carriage 118 and the back of telephone 120 is considering a mating contact unit. The carriage 118 pivot about forward followers 166, thus raising the forward end of carriage 118 in order to position receiver 120 through access opening 143. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the carriage 118 to pivot parallel to the guide tract or perpendicular to the guide track in according to housing and use position that made it easy for the operator to grasp.

***Response to Arguments***

5. Applicant's arguments with respect to claims 13-24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,787,167 to Anderson, Vehicle telephone mounting system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen le  
KLL

October 2, 2006



WING CHAN  
SUPERVISORY PATENT EXAMINER